

FINDING OF NO SIGNIFICANT IMPACT

Partial Assignment of New Union Ditch Company Ltd.'s Contract Entitlement in Lucky Peak Reservoir to Wilderness Ranch Owners' Association and Osprey Subdivision Property Owners' Association

PN-FONSI 05-09

November 2005

Introduction

In accordance with the National Environmental Policy Act (NEPA) the Bureau of Reclamation (Reclamation) has prepared a Draft Environmental Assessment (EA) that evaluates the environmental effects of the Reclamation's proposed approval of an assignment of a portion of New Union Ditch Company's (New Union's) contract entitlement in Lucky Peak Reservoir to Wilderness Ranch and Osprey Subdivisions.

New Union recently converted their water service contract with Reclamation for 1,400 acre feet of Lucky Peak storage for irrigation to a repayment contract. This contract provides for the assignment of all or part of their storage to other entities, subject to approval by Reclamation. New Union has entered into an agreement with Wilderness Ranch for an assignment of 200 acre feet of their contract entitlement and a similar agreement with Osprey for 300 acre feet.

Wilderness Ranch and Osprey are semi-rural subdivisions located along Mores Creek, a Boise River tributary which flows into Lucky Peak Reservoir. Both subdivisions divert from Mores Creek for their landscape irrigation water supply. Wilderness Ranch also uses Mores Creek for its drinking water supply. Both subdivisions have water rights that are relatively junior to other Mores Creek water rights that are diverted downstream from Lucky Peak Reservoir.

If and when Mores Creek water rights are administered in conjunction with Boise River water rights by Idaho Department of water Resources, Wilderness Ranch and Osprey risk curtailment of their diversions during late summer in drought years to fulfill senior water rights downstream. By acquiring storage in Lucky Peak Reservoir, the subdivisions can replace their Mores Creek diversions with Lucky Peak storage delivered downstream and would be allowed to continue to divert even when Mores Creek flows are relatively low.

Alternatives Considered and Recommended Action

Alternatives to meet the purpose and need for action are limited by the existing assignment agreements among New Union, Wilderness Ranch, and Osprey and the fact that both subdivisions are substantially complete with water supply infrastructure already in place.

Two Alternatives were analyzed in the Draft EA, the no action alternative which is required by NEPA, and the proposed action. Under the no action alternative, Reclamation would not approve the assignments. Without this approval, Wilderness Ranch and Osprey would rent 200 acre feet and 300 acre feet, respectively from New Union through the Boise River Rental Pool, if this storage is available, as replacement water to allow for continued diversions during low flows in Mores Creek.

Under the proposed action, Reclamation would approve the assignment of 200 acre feet to Wilderness Ranch and 300 acre feet to Osprey and enter into a contract with the subdivisions for the storage. The proposed action would provide a more secure source of storage water for the two subdivisions compared to the no action alternative.

Reclamation has selected the proposed action alternative as the recommended alternative for implementation.

Consultation, Coordination, and Public Involvement

Reclamation developed a list of issues and concerns through recent experience in water contract-related actions in the Boise River reservoir system, consultation with Idaho Department of Fish and Game, and by reviewing the environmental compliance process for Wilderness Ranch's recently-completed diversion and water treatment plant on Mores Creek.

The Draft EA was mailed to approximately 110 Federal, state and local agencies, elected officials, Indian tribes, irrigation districts and interest groups for a 30-day comment period. Reclamation received one comment letter from Ada County stating they had no comment and letters from U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries pertaining to Endangered Species Act (ESA) compliance described below.

The Draft EA served as the biological assessment of species listed under ESA and was provided to USFWS and NOAA Fisheries for review in compliance with Section 7 of ESA. Reclamation determined that the proposed action may affect, but is not likely to adversely affect bull trout, bald eagles, or listed anadromous fish species in the Snake and Columbia Rivers. Concurrence for this finding was received from U.S. Fish and Wildlife Service on August 3, 2005. Concurrence from NOAA Fisheries was received November 22, 2005.

Summary of Environmental Effects

The environmental effects of the proposed action would differ very little from those of the no action alternative because even if Reclamation does not approve the contract assignment, New Union has agreed to make Lucky Peak storage available to the Boise River Rental Pool for rental; however since Wilderness Ranch and Osprey subdivisions do not currently own Boise River reservoir storage, they are given a lower priority for rental pool water than irrigation entities owning contracted storage. The proposed action will provide the two subdivisions a more assured supply of replacement water for their diversions from Mores Creek.

Reservoir Operations and Hydrology - Operation of Boise River reservoirs and river flows and flows in Mores Creek will be essentially the same under the proposed action as no action.

Water Quality - Water temperature in lower Mores Creek does not meet state standards at certain times of year. The proposed action will not change Mores Creek substantially from current conditions. Some unquantifiable elevation in temperature is likely under late summer low flow conditions but will be similar to what will occur under the no action alternative, although it may occur a bit more frequently. There will be no measurable effect to water quality in the Boise River reservoirs or river reaches downstream.

Aquatic Species - Minor adverse effects to aquatic species in Mores Creek will be similar to those under the no action alternative.

Threatened and Endangered Species - Reclamation has determined that the proposed action may affect but is not likely to adversely affect bull trout, bald eagles and listed Snake and Columbia River anadromous fish. USFWS and NOAA Fisheries have concurred with these determinations.

Indian Trust Assets - None of the Tribes have federally reserved water rights or rights to hunt and fish that will be impacted by the proposed action.

Cultural Resources, sacred sites, and minority or low-income populations - These environmental resources will not be affected.

Cumulative Impacts - When added to past, present or reasonably foreseeable future actions, in the Boise River basin, this action will not result in major changes to reservoir operations, river flows and related environmental resources.

Changes to the Draft EA

Reclamation received no public comments suggesting changes to the Draft EA. For this reason a Final EA will not be prepared.

Finding

Based on the analysis of the environmental impacts in the Draft EA and consultation with potentially affected agencies, Tribes, organizations, and the general public, Reclamation concludes that implementation of the proposed action would not have a significant effect on the quality of the human environment. The effects of the proposed action would be minor and localized and except in rare instances, would be similar to those under the no action alternative. No significant impact to the quality of the human environment or natural and cultural resources would occur with approval of the contract assignments. Therefore preparation of an environmental impact statement is not required.

Recommended:

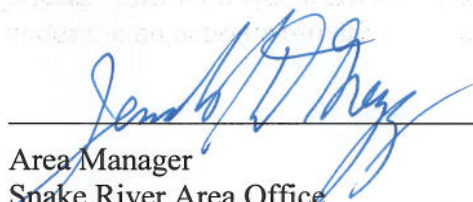


Area Office Environmental Specialist
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11/23/2005

Date

Approved:



Area Manager
Snake River Area Office
Boise, Idaho

Nov. 23, 2005

Date